

REMARKS

Claims 1 – 156 are pending in the application. Claims 27 – 80 and 106 – 152 have been withdrawn from the application. Claims 1 – 26, 81 – 105, and 153 – 156 stand finally rejected in the application. Claims 1, 81, 153, 154, 155, and 156 have been amended. Applicants request reconsideration of claims 1 – 26, 81 – 105, and 153 – 156.

The Examiner rejected claims 1-26 and 81-105 under 35 U.S.C. § 101 as non-statutory based on Supreme Court precedent, and recent Federal Circuit decisions. This rejection is traversed. Applicants respectfully request withdrawal of this rejection in view of the recently published “Interim Examination Instructions for Evaluating Subject Matter Eligibility under 35 U.S.C. § 101” (August 24, 2009). Computer implemented processes are discussed at page 6 as follows:

For computer implemented processes, the “machine” is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently “particular” when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions. If the claim is so abstract and sweeping that performing the process as claimed would cover substantially all practical applications of a judicial exception, such as a mathematical algorithm, the claim would not satisfy the test as the machine would not be sufficiently particular.

Claims 1 and 81 are both directed to computer-implemented processes. The last step of the claims recites matching the source key the source key associated with the item’s EIP sequence number received at the first time with the source key associated with the item’s image

sequence number received at the second time, wherein the matching step is performed by an electronic item presentment computer. The step of matching requires a particularly programmed computer and imposes a meaningful limit in that the matching step is central to the method invented by Applicants. Therefore, claims 1 and 81 are statutory claims. All claims that depend from one of these claims are also statutory since they incorporate all the limitations of the corresponding independent claim.

The Examiner rejected claims 1-26, 81-105 and 153-156 under 35 U.S.C. § 103(a) as being unpatentable over *Vicknair et al.* (US 2003/0208421) in view of *Bellinger et al.* (US 5,870,725).

The Examiner has maintained his rejection of these claims over this combination of references as modified based on Applicants' amendment response filed March 9, 2009. Applicants maintain their disagreement with the Examiner's stated position with additional arguments provided herein. In general, the primary reference, *Vicknair*, is directed to a "paper receive" with image recapture, and the generation of ECP item sequence numbers at the receiving institution. The present invention is directed to receiving electronic files including electronic items having a source key either with images, or with images to follow. No image capture is involved in the claimed invention.

Claims 1 and 81 have been amended to clarify the invention by adding the limitation that the source key is "generated by a sender of the electronically presented items." Support for this limitation is found at least in Paragraph 9 of the specification. Neither *Vicknair et al.* nor *Bellinger et al.* teaches or suggests that the *source key is generated by the sender of the electronic files*.

Generating the source key by the sending institution is important since it creates an absolutely accurate and direct linkage between the item's image data, the posting record (receiver assigned key), and the sender's source information. In the invention, the source key generated by the sender is more than an item sequence number. Furthermore, the combination of source sequence number, source identifier, and a source processing date (claims 2 and 84) to form the source key which is then stored in an Xref archive and then linking the source key via processing steps to ECP records, image records, and posting records was not known prior to Applicants' invention. Therefore, through the processing steps of editing items for posting as good items, identifying rejects and repairing them, and identifying duplicate source keys, missing items, and free items, there is an absolute linkage of the received image item to the final posting record data through the source key. This process also provides a means to identify missing and free items through direct linkage to the source key in an image to follow flow (e.g., claim 1). The invention does not involve traditional MICR matching using captured code line data. A further significance of the source key generated by the sender is that it enables an additional way to check for duplicate records not previously known.

With regard to claim 1, the Examiner stated that *Vicknair* discloses all steps except "for each item received at a second time, assigning an image sequence number to the item image identification key), associating the item's image data with the item's image sequence number and associating the item's image sequence number with the item's source key (MICR data)." The Examiner is relying on *Bellinger* for disclosing these steps (citing Figs. 5, 20 – 22; col. 6, ll. 15 – 25; col. 12, ll. 14 – 20; col. 15, ll. 1 – 4). The Examiner concluded that it would have been obvious to modify the disclosure of *Vicknair* with those of *Bellinger* "to complement the

microfilm check images and provide a digitally captured images of checks stored on readable medium for indexing and cross referencing which allows the customer to retrieve the items using personal computer.” Applicants disagree with the Examiner’s statement that *Vicknair et al.* discloses all other steps of claim 1 as discussed below. Applicants also disagree with the Examiner’s statement that *Bellinger* discloses “for each item received at a second time, assigning an image sequence number to the item, associating the item’s image data with the item’s image sequence number and associating the item’s image sequence number with the item’s source key” as discussed further below.

Vicknair et al. discloses that a receiving institution (drawee bank) digitally images the physical checks as they arrive subsequent to posting of the ECP items. During the proofing process, in which the data records for the ECP items are validated against the data records for the physical items, the records are updated such that the posting date and Item Sequence Number (ISN) number for the data records for the physical items reflect the posting date and ISN number of the ECP items. As the digital images of the checks created at the drawee bank are matched to ECP items, the digital images are assigned the same posting ISN and posting date given to the item when it was presented via the ECP process (Para. 37, Fig. 2). As further disclosed by *Vicknair et al.*, the digital images of the items, and the data records associated with the images are modified to reflect the financial processing that has occurred with respect to an item (Para. 42). The item sequence numbers for the data records for the physical items are discarded such that the second records are indexable according to the first item sequence number.

Vicknair et al. does not disclose the use of a source key generated by a sender of the electronically presented items to correlate a plurality of electronically presented transaction items

with image data. The source key generated by a sender of the electronically presented items, as explained in Para. 9 of Applicants' specification, includes a source sequence number that is assigned to an item by the sending institution. *Vicknair et al.* teaches away from generating a new image sequence number for each item in the batch from the transmitting bank (Para. 34). This is equivalent to teaching away from use of a sender-generated source key. Therefore, *Vicknair et al.* fails to teach associating the item's EIP sequence number with the item's source key that is generated by a sender of the electronically presented items in the second step of claim 1, and receiving digitized image data associated with the item's sender-generated source key in the third step of the claim. Since *Vicknair et al.* does not disclose the use of a source key generated by the sending institution, it does not disclose matching the source key generated by a sender of the electronically presented items, and associated with the item's EIP sequence number, with the source key associated with the item's image sequence number as recited in the matching step of the claim.

Bellinger et al. discloses that images of cleared checks are captured at the receiving institution and combined with posted MICR data and customer supplied account information. An image identifier key is associated with the MICR data on the check. The Account Reconciliation Plan (ARP) extracted posted MICR data is then matched with the recaptured MICR data and associated with the captured image data so that each item identified as having an image has the image identification key associated with the full transaction record data (col. 15, ll. 1 – 24). *Bellinger* fails to disclose associating the item's image sequence number with the item's source key that is generated by a sender of the electronically presented items.

In summary, *Vicknair* does not disclose associating the item's EIP sequence number with the item's source key that is generated by a sender of the electronically presented items, and receiving digitized image data associated with the item's source key. Furthermore, *Vicknair* does not disclose matching a source key associated with the item's EIP sequence number with the source key associated with the item's image sequence number. Neither *Vicknair* nor *Bellinger* discloses associating the item's image sequence number with the item's source key that is generated by a sender of the electronically presented items.

In view of the preceding arguments, claim 1 is allowable over the combination of *Vicknair* and *Bellinger*. Claims 2 – 26 depend, either directly or indirectly, from claim 1 and are allowable for at least the same reasons as claim 1. In addition, claims 2, 3, 7, 15, and 23 each provide additional limitations associated with the source key that is generated by a sender of the electronically presented items. Since neither *Vicknair* nor *Bellinger* discloses use of a source key generated by a sending institution, the additional limitations of these dependent claims are not disclosed by either reference. Furthermore, claim 153 (computer readable medium) and claim 155 (system), which are substantially similar to claim 1, are allowable over the combination of *Vicknair* and *Bellinger* for at least the same reasons as claim 1.

Regarding claim 81, items are received electronically by an electronic item presentment computer wherein each item includes a source key that is generated by a sender of the electronically presented items, and transaction data and image data both associated with the sender-generated source key. No EIP sequence number (i.e., item sequence number) is generated. An image sequence number is assigned to each item received to associate the item's image sequence number with the item's source key. Neither *Vicknair* nor *Bellinger* discloses

associating transaction and image data with a source key that is generated by a sender of the electronically presented items, and assigning an item's image sequence number with the item's source key to preserve a linkage integrity between the item and the item's image data as recited in claim 81. *Vicknair* discloses that item sequence numbers for the data records for the physical items are discarded such that the second records are indexable according to the first item sequence number. Therefore, *Vicknair* teaches away from assigning an image sequence number to the item and associating the item's image sequence number with the item's source key that is generated by a sender of the electronically presented items to preserve linkage integrity after the item is received.

In view of the preceding arguments, claim 81 is allowable over the combination of *Vicknair* and *Bellinger*. Claims 82 – 105 depend, either directly or indirectly, from claim 81 and are allowable for at least the same reasons as claim 81. In addition, claims 84, 85, 89, 94, and 101 each provide additional limitations associated with the source key that is generated by a sender of the electronically presented items. Since neither *Vicknair* nor *Bellinger* discloses use of a source key generated by a sending institution, the additional limitations of these dependent claims are not disclosed by either reference. Furthermore, claim 154 (computer readable medium) and claim 156 (system), which are substantially similar to claim 81, are allowable over the combination of *Vicknair* and *Bellinger* for at least the same reasons as claim 81.

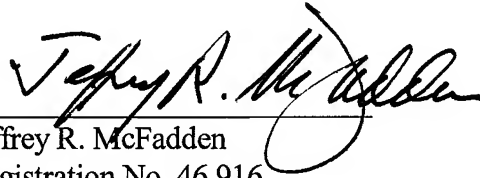
In view of the above remarks, it is submitted that the claim rejections of the Examiner have been properly addressed and the pending claims are in condition for allowance. It is respectfully requested that the Examiner enter this amendment after final rejection, and reconsider and withdraw the final rejection of the pending claims. In particular, the Examiner's

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rejection of claims 1 – 26 and 81 – 105 under 35 U.S.C. § 101 as non-statutory is improper based on the “Interim Examination Instructions for Evaluating Subject Matter Eligibility under 35 U.S.C. § 101.” It is also requested that the Examiner contact Applicants’ attorney at the telephone number listed below should this response not be deemed to place this application in condition for allowance.

Respectfully submitted,

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Date


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